

REMARKS

Claim 1 and 4-25 are currently pending in this application. By this amendment, the specification, including the drawings, have been amended as discussed in further detail below, Claims 1, 14, 16, 21, 22 and 23 have been amended, Claims 2 and 3 have been canceled, and Claim 25 has been added. No new matter has been introduced by this amendment. In view of the amendments above and the remarks to follow, reconsideration and allowance of the claims of this application are respectfully requested.

As discussed above, the specification including the drawings have been amended. The specification has been amended to correct minor informalities and to more properly reference the various embodiments illustrated in the Figures. More specifically, the alternative embodiment described with reference to FIG. 15 has been referenced using 100 series of numbers, the alternative embodiment described with reference to FIGS. 10-13 has been referenced using the 200 series of numbers, and the alternative embodiment described with reference to FIG. 14 has been referenced using the “ ’ ” (prime) notation. Each of FIGS. 10-15 have been amended accordingly to correspond to the amendments to the specification. Further, FIG. 5, which illustrates a perspective view, a front view and a cross-sectional view of the hub has been relabeled as FIGS. 5, 5A and 5B. A substitute specification has been provided herewith including all of the amendments to the specification. With respect to the amendments to the FIGS., a new set of formal drawings will be filed subsequent to the filing of this response.

In the Office action mailed February 24, 2005 (“the Office Action”), the drawings were objected to and new drawing sheets were required in compliance with 37 C.F.R. 1.121(d). New drawings have been provided with this amendment which more clearly illustrate the claimed

safety shield apparatus. It is respectfully requested that this objection to the drawings be withdrawn.

In the Office action, Claims 1, 4-7 and 9-12 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. publication No. 2003/0078540A1 ("Saulenas et al."). Claim 1 as amended recites a safety shield apparatus including, inter alia, a housing defining a plurality of cavities, a cover having a plurality of movable tabs, and a hub having a plurality of movable projections. The hub is biased from an extended position in which the distal end of the needle is exposed and each of the movable projections is releasably disposed within a corresponding one of the plurality of cavities to a retracted position in which the distal end of the needle is disposed within the housing. The movable tabs are engageable with the movable projections to release the movable projections from the cavities to facilitate movement of the hub to the retracted position.

Saulenas et al. disclose a retractable needle assembly shown in FIG. 20 reproduced below including a front barrel 20, a rear barrel 22, a wing 24, a needle hub 36, and a needle cannula 34. Front barrel 20 includes an opening for receiving an actuator button 64 extending from hub 36. An actuating arm 228 is supported on a tubular mount 216 of wing 224. Actuating arm 228 is flexible and is movable to indirectly depress actuator button 64. A biasing member (not shown) urges hub 36 and needle cannula 34 to a retracted position when actuator button 64 is depressed from the front barrel opening.

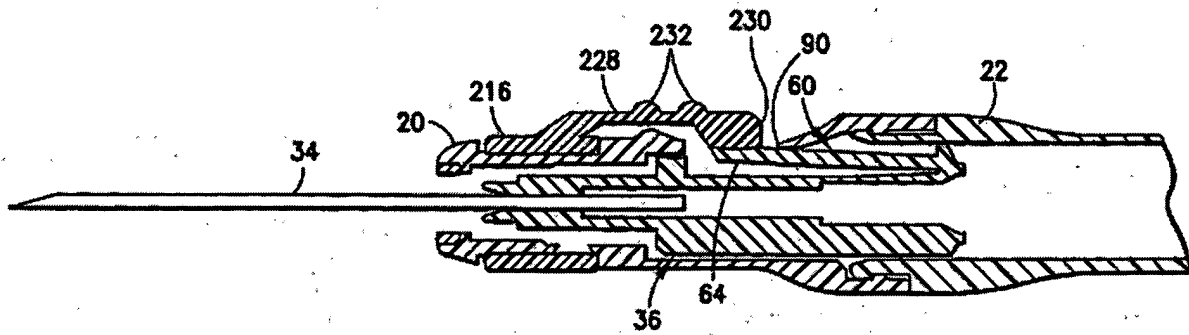


FIG.20

Claim 1 patentably distinguishes over Saulenas et al. More specifically, Saulenas et al. does not disclose a safety shield apparatus which includes a housing defining a plurality of cavities, a hub having a plurality of movable projections or a cover having a plurality of movable tabs. In contrast, Saulenas et al. disclose a retractable needle assembly having a single actuating arm, a single barrel opening, and a single actuator button. Saulenas et al. also fail to disclose a cover having a plurality of movable tabs. As discussed above, Saulenas et al.'s actuator arm extends from wing 24. Accordingly, Saulenas et al. do not anticipate Claim 1 of the present application.

Claims 4-7 and 9-12 depend either directly or indirectly from Claim 1. For at least the reasons discussed above with respect to Claim 1, Saulenas et al. do not anticipate Claims 4-7 and 9-12 of the present application.

In the Office Action, Claims 2, 3, 8, 14-18 and 20-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Saulenas et al. With respect to the rejection, the Examiner states the following:

“These claims recite multiple projections, cavities and tabs. It is prima facie obvious for one of ordinary skill in the art to multiply the actuating buttons, arms and apertures of Saulenas, adding a second actuating mechanism on opposites sides, for example, See MPEP 2144.04, VI. B., entitled “Duplication of Parts.” Mere duplication of parts has no patentable significance unless a new and unexpected result is produced. Applicant’s specification has not set forth any unusual effect resulting from the multiple parts. It seems to be a matter of design choice as set forth in applicant’s paragraph [0046] of the published application. Accordingly, claims 2, 3, 14-18 and 20-23 claims must be rejected”.

Claim 1 has been amended to recite the features originally presented in Claims 2 and 3, which are now canceled. Applicants respectfully disagree with the Examiner’s contention that it is “prima facie obvious to multiply the actuating buttons, arms and apertures...”. As discussed in the specification, the provision of a plurality of movable projections within a plurality of cavities prevents inadvertent retraction of the hub and needle (See Page 12, lines 23-28). More specifically, the provision of two projections which are received within two cavities requires simultaneous depression of both buttons to effect retraction of the hub and needle. Thus, when a single projection is inadvertently depressed, the hub and needle will not be retracted. Since, the hub and needle are permanently locked in the retracted position after being moved to the retracted position (as in Saulenas et al.), the provision of a second or a plurality of projections and cavities will substantially decrease waste due to inadvertent engagement of one of the projections.

For the reasons discussed above, Claim 1 as amended patentable distinguishes over Saulenas et al. and is in condition for allowance. Claims 4-12 depend either directly or indirectly from Claim 1. For at least the reasons discussed above with respect to Claim 1, Claims 4-12 are also in condition for allowance.

Independent Claims 14, 21, 22 and 23 each recite a safety shield apparatus including, inter alia, a plurality of projections and a plurality of cavities. For at least the reasons discussed

above with respect to Claim 1, Claims 14, 21, 22 and 23 patentably distinguish over Saulenas et al. and are in condition for allowance. Further, Claims 15-20 depend from Claim 14 and Claim 24 depends from Claim 1. Thus, for the reasons discussed above, Claims 15-20 and 24 are also in condition for allowance.


In the Office Action, Claims 13 and 19 which depend from Claims 1 and 14, respectively, were rejected under 35 U.S.C. §103 over Saulenas et al. in view of U.S. Patent No. 6,524,276 ("Halseth"). Halseth fails to cure the deficiencies of Saulenas et al. as discussed above. Accordingly, for the reasons discussed above, Claims 13 and 19 are in condition for allowance.

New Claim 25 has been added and is of a scope to which Applicants believe they are entitled.

Accordingly, early and favorable reconsideration of this application is respectfully requested. Should the Examiner feel that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicant's attorney at the number indicated below.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings includes changes to FIGS. 5 and 10-15. These sheets, which include FIGS. 5-5B and 9-15, replace the original sheets including FIGS. 5 and 9-15.

Attachment: Replacement sheet